IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.4182 OF 1999

Sunila Kiran Shah ... Petitioner

V/s.

Headmistress, Umabai Shravika Vidyalaya, Solapur & Ors. ... Respondents

Mr.S.G. Kudle for Petitioner
Mr.G.S. Godbole for Respondent Nos.1 and 4
Mr.C.R. Sonawane, AGP, for Respondent Nos.2 and 3

CORAM: **V.G. PALSHIKAR & SMT.NISHITA MHATRE, JJ.**

DATED: **JANUARY 17, 2005**

P.C.:

. By this Petition, the Petitioner seeks implementation of the order passed by the School Tribunal setting aside the termination of the Petitioner from service and directing reinstatement with all consequential benefits.

2. The contention is that though the consequential benefits, continuity of service and payment of backwages are awarded, the entire claim due under that order is not fulfilled. Reliance is placed on a document dated 11.1.1999 emanating from the Education Officer (Secondary), Solapur requiring the respondent-institution where the Petitioner is employed

to implement the order of the School Tribunal dated 11.10.1993 in which it is specifically pointed out that the Institution has not taken any steps about the compliance of the said order and that it is a serious matter. Explanation was called for within eight days and failure was hinted to entail penalty. Alleging that nothing has been done inspite of this communication, the present Petition is filed.

3. The dispute as contended before us at the bar was regarding the date from which the Petitioner is entitled to the benefits emanating under the order dated 11.10.1993. In our opinion, the entire dispute can be properly resolved by requiring both the parties to appear before the Education Officer in light of his communication dated 11.1.1999 and point out non-implementation or implementation of the order dated 11.10.1993. On hearing both the parties concerned, the Education Officer shall decide as to whether the order is complied with or not. The Education Officer should complete the exercise as far as possible within six months from today.

4. With these directions, the matter is disposed off.

5. In view of the disposal of the Petition, Civil

Application No.122 of 2002 does not survive and it is disposed of accordingly.